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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
THE DISTRICT OF NEW JERSEY**

DARLERY FRANCO, and WILLIAM B.
ERICSON, M.D., individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

CONNECTICUT GENERAL LIFE INSURANCE
CO., CIGNA CORPORATION, and CIGNA
HEALTH CORPORATION,

Defendants.

Case No. 07-6039 (FSH) (PS)

NOTICE OF MOTION TO DISMISS

TO: Barry M. Epstein, Esq.
Barbara G. Quackenbos, Esq.
Wilentz, Goldman & Spitzer P.A.
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Suite 900 Box 10
Woodbridge, New Jersey 07095
Counsel for Plaintiffs Darlery Franco and
William B. Ericson, M.D.

PLEASE TAKE NOTICE that, pursuant to the shortened briefing schedule set forth in the Court's Order of December 20, 2007, on Monday, March 24, 2008, or as soon as counsel may be heard, defendants Connecticut General Life Insurance Company, CIGNA Corporation, and CIGNA Health Corporation (the "CIGNA Defendants"), by and through their attorneys, Gibbons P.C. and Kirkland & Ellis LLP, shall move before the Honorable Faith S. Hochberg, U.S.D.J., United States District Court for the District of New Jersey, United States Post Office and Courthouse Building, Room 399, Newark, New Jersey, for an Order pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure dismissing the Complaint filed by Plaintiff Darlery Franco with prejudice.

PLEASE TAKE FURTHER NOTICE that the CIGNA Defendants shall rely on the Memorandum of Law submitted in support of this Motion, the Certification of Brian J. McMahon, and all other papers of record.

PLEASE TAKE FURTHER NOTICE that a Certification attesting to the date and manner of service of these moving papers is also submitted herewith.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith.

PLEASE TAKE FURTHER NOTICE that oral argument is requested in the event there is opposition to this Motion.

Dated: February 20, 2008

BY: s/Brian J. McMahon
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